

House File 2452 - Introduced

HOUSE FILE 2452
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2066)

A BILL FOR

1 An Act relating to the expungement of simple misdemeanor
2 offenses.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 901C.3 Simple misdemeanor —
2 expungement.

3 1. Upon application of a defendant convicted of a simple
4 misdemeanor, the court shall enter an order expunging the
5 record of such criminal case as a matter of law if the court
6 finds the defendant has established any of the following:

7 a. More than five years have passed since the date of the
8 conviction, the defendant has not been subsequently convicted
9 of or granted a deferred judgment for any criminal offense,
10 and the defendant is not currently charged with any criminal
11 offense.

12 b. More than ten years have passed since the date of the
13 conviction, the defendant has not been subsequently convicted
14 of or granted a deferred judgment for a felony offense, and the
15 defendant is not currently charged with any criminal offense.

16 2. This section shall not apply to a conviction that is a
17 conviction for a misdemeanor crime of domestic violence and a
18 simple misdemeanor conviction entered under section 123.46,
19 123.47, subsection 3, or 708.2A, or chapter 321 or 321J.

3. An expungement entered under this section shall not be considered an expungement for purposes of 18 U.S.C. §921(a)(33)(B)(ii) or section 724.26, and shall not provide relief from any state or federal firearm disability associated with the expunged conviction.

25 4. Notwithstanding section 692.2, after receipt of
26 notice from the clerk of the district court that a record of
27 conviction has been expunged, the record of conviction shall be
28 removed from the criminal history data files maintained by the
29 department of public safety, if such a record is maintained in
30 the criminal history data files.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

34 This bill relates to the expungement of a simple misdemeanor
35 offense.

1 The term "expunged" means the court's criminal record with
2 reference to a deferred judgment or any other criminal record
3 that has been segregated in a secure area or database which is
4 exempt from public access.

5 The bill provides that upon the application of a defendant
6 convicted of a simple misdemeanor, the court shall enter an
7 order expunging the record of such criminal case as a matter of
8 law if the defendant has established that more than five years
9 have passed since the date of the conviction; the defendant
10 has not been subsequently convicted of or granted a deferred
11 judgment for any criminal offense; and the defendant is not
12 currently charged with any criminal offense or more than
13 10 years have passed since the date of the conviction; the
14 defendant has not been subsequently convicted of or granted a
15 deferred judgment for a felony offense; and the defendant is
16 not currently charged with any criminal offense.

17 The bill does not apply to a misdemeanor crime of domestic
18 violence and simple misdemeanor convictions under Code section
19 123.46 (consumption or intoxication in public place), or
20 123.47(3) (alcohol consumption by persons under legal age)
21 because expungement procedures already exist for such offenses.

22 The bill applies to a simple misdemeanor conviction that
23 occurs prior to, on, or after July 1, 2018.

24 The bill also provides that, notwithstanding Code section
25 692.2 (dissemination of criminal history data) after receipt
26 of notice from the clerk of the district court that a record of
27 conviction has been expunged, the record of conviction shall be
28 removed from the criminal history data files maintained by the
29 department of public safety if such a record was maintained in
30 the criminal history data files.